

TO BE FILED IN THE COURT OF APPEAL

APP-004

CIVIL CASE INFORMATION STATEMENT		<small>Court of Appeal Case Number (if known):</small>
COURT OF APPEAL <u>First</u> APPELLATE DISTRICT, DIVISION <u>4</u>		A107100
<small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</small> Andrew H. Wilson (SBN 63209) Wilson Campilongo 475 Gate 5 Rd., Ste 212, Sausalito, CA 94965 TELEPHONE NO: (415) 289-7100 <small>E-MAIL ADDRESS (Optional):</small> <small>FAX NO. (Optional):</small> (415) 289-7110 <small>ATTORNEY FOR (Name):</small> Church of Scientology International		<small>FOR COURT USE ONLY</small>
APPELLANT: Church of Scientology International RESPONDENT: Gerald Armstrong		
<small>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</small> Marin <small>STREET ADDRESS:</small> 3501 Civic Center Drive <small>MAILING ADDRESS:</small> <small>CITY AND ZIP CODE:</small> San Rafael, CA 94913 <small>BRANCH NAME:</small>		
<small>JUDGES (all who participated in case):</small> Hon. Lynn Duryee		<small>Superior Court Case Number:</small> CV021632
<p>NOTE TO APPELLANT: You must file this form with the clerk of the Court of Appeal within 10 days after the clerk mails you a notice that this form must be filed. You must attach to this form (1) a copy of the judgment or order being appealed that shows the date it was entered (see Cal. Rules of Court, rule 2(c) for definition of "entered") and (2) proof of service of this form on all parties to the appeal. (CAUTION: An appeal in a limited civil case (Code Civ. Proc., § 85) may be taken ONLY to the appellate division of the superior court (Code Civ. Proc., § 904.2), or to the superior court (Code Civ. Proc., § 116.710 [small claims cases]).</p>		

PART I - APPEAL INFORMATION

A. APPEALABILITY

1. Appeal is from:

- ☐ Judgment after jury trial
- ☒ Judgment after court trial
- ☐ Default judgment
- ☐ Judgment after an order granting a summary judgment motion
- ☐ Judgment of dismissal under Code Civ. Proc., §§ 581d, 583.250, 583.360, or 583.430
- ☐ Judgment of dismissal after an order sustaining a demurrer
- ☐ An order after judgment under Code Civ. Proc., § 904.1(a)(2)
- ☐ An order or judgment under Code Civ. Proc., § 904.1(a)(3)-(13)
- ☐ Other (describe and specify code section that authorizes this appeal):

2. Does the judgment appealed from dispose of all causes of action, including all cross-actions between the parties?
☒ Yes ☐ No. If no, please explain why the judgment is appealable:

B. TIMELINESS OF APPEAL (Provide all applicable dates.)

- Date of entry of judgment or order appealed from: 5 / 20 / 04 (Exhibit "A" attached)
- Date that notice of entry of judgment or a copy of the judgment was mailed by the clerk or served by a party under California Rules of Court, rule 2: n/a
- Was a motion for new trial, judgment notwithstanding the verdict, reconsideration, or to vacate the judgment made and denied?
☐ Yes ☒ No. If yes, please specify the type of motion:
 Date motion filed: / / Date denied: / / Date denial served: / /
- Date notice of ☒ appeal or ☐ cross-appeal filed: / /

C. BANKRUPTCY OR OTHER STAY

Is there a related bankruptcy case or a court-ordered stay that affects this appeal. ☐ Yes ☒ No. If yes, please attach a copy of the bankruptcy petition [without attachments] and any stay order.

APPELLATE CASE TITLE: Church of Scientology Intl. v. Armstrong	SUPERIOR COURT CASE NUMBER: CV021632
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D. APPELLATE CASE HISTORY (Provide additional information, if necessary, on attachment I.D.)

Is there now, or has there previously been, any appeal, writ, or other proceeding related to this case pending in any California appellate court? ☒ Yes ☐ No If yes, insert name of appellate court: See attached page.

Appellate court case no.:

Title of case:

Name of trial court:

Trial court case no.:

E. SERVICE REQUIREMENTS

Is service of documents in this matter, including a brief or a petition, required on the Attorney General or other nonparty public officer or agency under California Rules of Court, rule 44.5 or a statute? ☐ Yes ☒ No If yes, please indicate the rule or statute that applies.

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Rule 44.5(a) | <input type="checkbox"/> Gov. Code, § 4461 (Disabled access to public buildings) |
| <input type="checkbox"/> Bus. & Prof. Code, § 17209 (Unfair Competition Act) | <input type="checkbox"/> Gov. Code, § 12656(a) (False Claims Act) |
| <input type="checkbox"/> Bus. & Prof. Code, § 17536.5 (False advertising) | <input type="checkbox"/> Health & Saf. Code, § 19954.5 (Accessible seating and accommodations) |
| <input type="checkbox"/> Civ. Code, § 51.1 (Unruh, Ralph, or Bane Civil Rights Acts; anti-boycott cause of action; sexual harassment in business or professional relations; civil rights action by district attorney) | <input type="checkbox"/> Health & Saf. Code, § 19959.5 (Disabled access to privately funded public accommodations) |
| <input type="checkbox"/> Civ. Code, § 55.2 (Disabled access to public conveyances, accommodations, and housing) | <input type="checkbox"/> Other (please specify statute): |

NOTE: The rule and statutory provisions listed above require service of a copy of a party's brief or petition and brief on the Attorney General or other public officer or agency. Other statutes requiring service on the Attorney General or other public officers or agencies may also apply. (See, e.g., Code Civ. Proc., § 1355; Gov. Code, § 946.6(d); Pub. Resources Code, § 21167.7.)

PART II – NATURE OF ACTION

A. Nature of action (check all that apply):

1. ☐ Conservatorship
2. ☒ Contract
3. ☐ Eminent domain
4. ☐ Equitable action a. ☐ Declaratory relief b. ☐ Other (describe):
5. ☐ Family law
6. ☐ Guardianship
7. ☐ Probate
8. ☐ Real property rights a. ☐ Title of real property b. ☐ Other (describe):
9. ☐ Tort
 - a. ☐ Medical malpractice
 - b. ☐ Product liability
 - c. ☐ Other personal injury
 - d. ☐ Personal property
 - e. ☐ Other tort (describe):
10. ☐ Trust proceedings
11. ☐ Writ proceedings in superior court
 - a. ☐ Mandate (Code Civ. Proc., § 1085)
 - b. ☐ Administrative mandate (Code Civ. Proc., § 1094.5)
 - c. ☐ Prohibition (Code Civ. Proc., § 1102)
 - d. ☐ Other (describe):
12. ☐ Other action (describe):

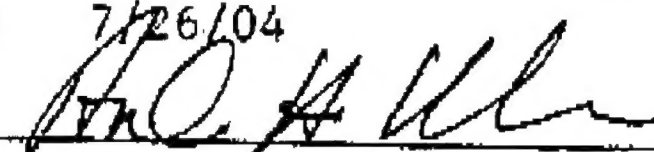
B. ☐ This appeal is entitled to calendar preference/priority on appeal (cite authority):

PART III – PARTY AND ATTORNEY INFORMATION

Please attach to this form a list of all the parties and all their attorneys of record who will participate in the appeal. For the parties, include the following information: the party's name and his or her designation in the trial court proceeding (plaintiff, defendant, etc.). For the attorneys, include the following information: name, State Bar number, mailing address, telephone number, fax number, and e-mail address.

Date: 7/26/04

This statement is prepared and submitted by:



(SIGNATURE OF ATTORNEY OR UNREPRESENTED PARTY)

Court of Appeal, Civil Case Information Sheet

Attachment Page No. 1

Civil Case Information Sheet, Section "D," Appellate Case History

Appellate Court: Court of Appeal, First Appellate District, Division 4
Appellant Case No.: A107095
Name of Trial Court: Marin County Superior Court
Title of Case: Church of Scientology International v. Superior Court of Main
County Superior Court, et al
Trial Court Case No.: MSC Case No. CV157680

Appellate Court: Court of Appeal, First Appellate District, Division 4
Appellant Case No.: A075027
Name of Trial Court: Marin County Superior Court
Title of Case: Gerald Armstrong v. Church of Scientology International
Trial Court Case No.: MSC Case No. CV157680

FILED

MAY 20 2004

JOHN P. MONTGOMERY,
County Clerk
MARIN COUNTY SUPERIOR COURT
BY: N. JOHNSON, DEPUTY

[Signature]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN

CHURCH OF SCIENTOLOGY
INTERNATIONAL,

Plaintiff,

vs.

GERALD ARMSTRONG,

Defendant.

CASE NO.: 157680

[Consolidated with Case No. CV021632 per
Order dated April 9, 2004]

ORDER GRANTING PLAINTIFF'S
MOTION FOR JUDGMENT

This matter came regularly on for trial on April 9, 2004. Plaintiff, Church of
Scientology International, appeared by its counsel, Andrew H. Wilson. Defendant Gerald
Armstrong appeared and was represented by counsel, Ford Greene, Esq.

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GRANTING PLAINTIFF'S MOTION FOR JUDGMENT

1 After hearing opening statements of the parties, taking judicial notice of the various
2 pleadings and papers on file in the consolidated actions *Church of Scientology International v.*
3 *Armstrong*, Case No. 152229 and *Church of Scientology International v. Armstrong*, Case No.
4 157680, the Court made the following ruling:

5
6 Mr. Armstrong received a benefit under the settlement agreement of \$800,000. It
7 would be unconscionable to punish him beyond what the benefit was that was
8 conferred to him. Armstrong was previously sanctioned in the sum of \$300,000.
9 Judgment is therefore entered for plaintiff, on the admitted violations, of \$500,000.

10
11 GOOD CAUSE appearing therefor it is hereby ORDERED that judgment shall be
12 entered in favor of plaintiff and against defendant in the amount of \$500,000.00.

13
14
15 DATED: 5/20/01

16 
17 Honorable M. Lynn Duryee
18 JUDGE OF THE SUPERIOR COURT
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PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the County of Marin, State of California. I am over the age of 18 and not a party to the within action; my business address is 475 Gate 5 Road, Suite 212, Sausalito, California 94965.

On July 26, 2004, I served the foregoing document(s) described as follows:

PETITIONER'S CIVIL CASE INFORMATION STATEMENT

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as stated on the attached service list, as follows:

XX BY MAIL:

XX VIA FACSIMILE

 BY HAND DELIVERY

Ford Greene, Esq.
HUB Law Offices of Ford Greene
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

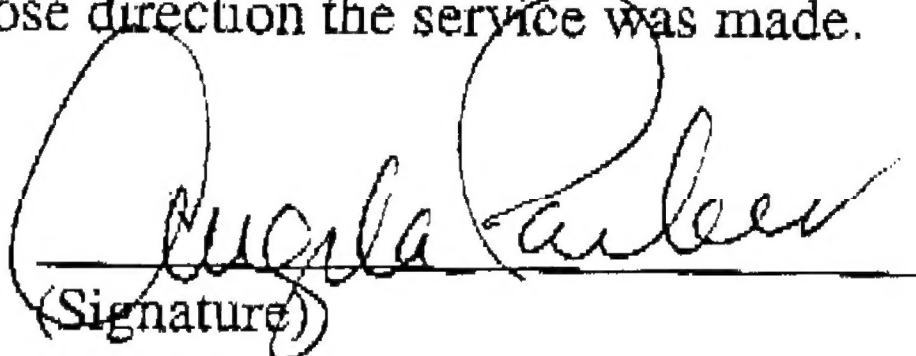
Facsimile No.: (415) 456-5318

Executed on July 26, 2004, at Sausalito, California

XX (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

 (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Angela Parker
(Type or Print Name)


(Signature)